



Commonwealth of Massachusetts State Ethics Commission

One Ashburton Place, Room 619, Boston, MA, 02108
phone: 617-727-0060, fax: 617-723-5851



SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 586

IN THE MATTER
OF
LOUIS CORNACCHIOLI

DISPOSITION AGREEMENT

This Disposition Agreement is entered into between the State Ethics Commission and Louis Cornacchioli pursuant to Section 5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented-to final order enforceable in Superior Court, pursuant to G.L. c. 268B, § 4(j).

On May 21, 2003, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Cornacchioli. The Commission has concluded its inquiry and, on August 14, 2003, found reasonable cause to believe that Cornacchioli violated G.L. c. 268A, § 23(b)(2).

The Commission and Cornacchioli now agree to the following findings of fact and conclusions of law:

-Findings of Fact-

1. Cornacchioli is a Rutland selectman.
2. On September 9, 2002, and September 28, 2002, a Rutland police officer issued a total of four traffic citations to Cornacchioli's son, Michael. These citations were for speeding and driving without a license in one's possession on each occasion. The total potential costs of the citations were \$330 plus significant insurance surcharges.¹
3. Michael appealed all four citations to a clerk magistrate. After a hearing, the clerk magistrate found Michael responsible for all four citations. Michael appealed the finding to a judge and a hearing was scheduled for January 7, 2003.
4. In the early morning of January 7th, the (above-mentioned) police officer contacted the Rutland Police Department to report that he would be unable to attend the appeal hearing because of a family health emergency. The Rutland police chief forwarded this information to the court. The judge rescheduled the hearing for January 9, 2003.

5. On January 7th, after the judge rescheduled the appeal hearing, Cornacchioli telephoned the police department. The conversation was taped on a recorded line. Cornacchioli informed the police dispatcher that he was a selectman and wanted to talk to the chief. The dispatcher connected Cornacchioli to the chief. During his conversation with the chief, Cornacchioli was extremely upset and angry that Michael's hearing was rescheduled instead of dismissed. Cornacchioli blamed the police for calling in to report the officer's absence, which led to the rescheduling, because if the police did not notify the court and the officer was absent at the hearing the charges would likely be dismissed. He further made it clear the he would allow his personal dissatisfaction with the police department to factor into his decision-making as an elected official. He repeatedly cited instances where he had supported the police department, and stated that this was a "personal slap" against him. Cornacchioli also stated, "Well, let me tell you something, they have lost a friend on the board of selectmen..." In effect, Cornacchioli made it clear that he wanted the police to ensure that the officer did not show up at the January 9th hearing and/or for the police to take action that would result in his son's case being dismissed.

6. Cornacchioli also took other action including contacting the officer's father-in-law and requesting he ask the officer not to show up for the hearing.

-Conclusions of Law-

7. Section 23(b)(2) prohibits a municipal employee from knowingly or with reason to know using his position to obtain for himself or others unwarranted privileges or exemptions of substantial value not properly available to similarly situated individuals.

8. As a selectman, Cornacchioli is a municipal employee as that term is defined in G.L. c. 268A, § 1.

9. Cornacchioli used his position when he introduced himself to the dispatcher as a selectman, repeatedly cited to the chief instances when he acted as a selectman on behalf of the police department and indicated that he would be acting on matters concerning the police department as a selectman in the future. In effect, Cornacchioli was threatening to use his selectman's position to retaliate against the police department if the citations were not dismissed.

10. The privilege was having his son's case dismissed. The privilege was unwarranted as it would have been based on Cornacchioli's intervention as a selectman and not on the merits.

11. The privilege was of substantial value – the dismissal of the citations would have saved Michael at least \$330. (As noted, Michael would probably also avoid an increase in his insurance premiums as a result of the dismissed citations).

12. These unwarranted privileges or exemptions were not otherwise properly available to similarly situated people.

13. Therefore, by knowingly or with reason to know using his position as selectman to attempt to secure for his son these unwarranted privileges or exemptions of substantial value not properly available to similarly situated individuals, Cornacchioli violated §23(b)(2).

-Resolution-

In view of the foregoing violation of G.L. c. 268A by Cornacchioli, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Cornacchioli:

- (1) that Cornacchioli pay to the Commission the sum of \$2,000 as a civil penalty for violating G.L. c. 268A, §23(b)(2); and
- (2) that he waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

STATE ETHICS COMMISSION

By:

//ss//
Peter Sturges, Executive Director
Dated: August 20, 2003

//ss//
Louis Cornacchioli
Dated: July 24, 2003

I, Louis Cornacchioli, have personally read the above Disposition Agreement. I understand that it is a public document and that by signing it, I will have agreed to all of the terms and conditions therein including payment of \$2,000 to the State Ethics Commission.

//ss//
Louis Cornacchioli
Dated: July 24, 2003

¹ The September 9, 2002 citations were \$150 (\$125 for speeding and \$25 for license not in possession). The September 28, 2002 citations were for \$180 (\$145 for speeding and \$35 for operating a motor vehicle without a license.